

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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JOHN HANCOCK LIFE INSURANCE COMPANY,

Plaintiff,

-against-

**ORDER ADOPTING REPORT
AND RECOMMENDATION**

15-CV-1358 (KAM)(RML)

SARA NEUMAN, FREMET INDIG, TOBY CHANA
SCHWARTZ, RIVKA SCHMELZER, CHAYA
ESTHER GESTETNER, ADELE TZIPORA
TEITELBAUM, HENTSHE MIRIAM GROSS,
NECHAMA GREENFIELD (a/k/a NECHAMA
DEVORA WERZBERGER), JOEL GREENFIELD,
ROIZA BLIMA (a/k/a ROSSALA
HERSHKOWITZ), and JOEL GREENFIELD,
JR.,

Defendants.

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MATSUMOTO, United States District Judge:

On March 13, 2015, plaintiff John Hancock Life Insurance Company ("plaintiff") commenced this interpleader action against defendants Sara Neuman, Fremet Indig, Toby Chana Schwartz, Rivka Schmelzer, Chaya Esther Gestetner, Adele Tzipora Teitelbaum, Hentshe Miriam Gross, Nechama Greenfield (a/k/a Nechama Devora Werzberger), Joel Greenfield, Roiza Blima (a/k/a Rossala Hershkowitz), and Joel Greenfield, Jr. (collectively, "defendants") seeking to determine the validity of conflicting claims for the death benefit arising under and pursuant to an individual term life insurance policy. (See generally ECF No. 1, Compl.)

On June 15, 2015, plaintiff moved for default judgment

against defendants Sara Neuman, Fremet Indig, Toby Chana Schwartz, Rivka Schmelzer, Nechama Greenfield (a/k/a Nechama Devora Werzberger), and Joel Greenfield (collectively, "defaulting defendants"). (Mot. for Default J., ECF No. 29.) On October 8, 2015, the court referred plaintiff's motion for default judgment to Magistrate Judge Levy for a Report and Recommendation. (Order Referring Mot.)

On November 4, 2015, Judge Levy issued a Report and Recommendation recommending that plaintiff's motion be granted and that default judgment be entered against the defaulting defendants. (Report and Recommendation ("R&R") at 10, ECF No. 32.) Plaintiff served the Report and Recommendation on defendants and filed a Certificate of Service on November 4, 2014. (Certificate of Service, ECF No. 33.) The Report and Recommendation notified the parties of the right to file written objections within fourteen (14) days of receipt of the Report and Recommendation. (*Id.*) Accordingly, the deadline for defaulting defendants to file objections was November 21, 2015¹. To date, no objections to the Report and Recommendation have been filed. (See generally Docket No. 15-CV-1358.)

A district court reviews those portions of a Report and Recommendation to which a party has timely objected under a *de novo* standard of review and "may accept, reject, or modify, in

¹ The court adds three days pursuant to Federal Rule of Civil Procedure 6(d).

whole or in part, the findings or recommendations . . .” 28 U.S.C. § 636(b)(1)(C). However, where no objections to the Report and Recommendation have been filed, the district court “need only satisfy itself that that there is no clear error on the face of the record.” *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)). The court nonetheless conducts a *de novo* review of Judge Levy’s Report and Recommendation.

Upon a *de novo* review of the record and Judge Levy’s well-reasoned Report and Recommendation, the court affirms and adopts the Report and Recommendation in its entirety as the opinion of the court. Accordingly, default judgment should be entered on plaintiff’s claim against defendants Sara Neuman, Fremet Indig, Toby Chana Schwartz, Rivka Schmelzer, Nechama Greenfield (a/k/a Nechama Devora Werzberger), and Joel Greenfield.

Plaintiff's counsel is ordered to serve a copy of this order upon all defendants at their last known address and file proof of service by November 25, 2015. The Clerk of the Court is respectfully requested to enter default judgment against Sara Neuman, Fremet Indig, Toby Chana Schwartz, Rivka Schmelzer, Nechama Greenfield (a/k/a Nechama Devora Werzberger), and Joel Greenfield in accordance with this order.

SO ORDERED.

Dated: November 24, 2015
Brooklyn, New York

_____/s/
Kiyo A. Matsumoto
United States District Judge